**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION**

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|---|---|---|
| CANDIDA STOKES, | * | |
| | * | |
| Plaintiff, | * | |
| vs. | * | CASE NO.: 2:07-cv-686 |
| | * | |
| CITY OF MONTGOMERY; ARTHUR BAYLOR, Chief of Police, and BOBBY BRIGHT, Mayor, in their individual and official capacities | * * * * | |
| | * | |
| Defendants. | * | |

**ANSWER OF DEFENDANTS CITY OF MONTGOMERY,ARTHUR BAYLOR, AND BOBBY BRIGHT TO FIRST AMENDED COMPLAINT**

Comes now the City of Montgomery, Arthur Baylor, and Bobby Bright, above named Defendants, and hereby file their answer to the first amended complaint of the Plaintiff Candida Stokes as follows:

1. Defendants admit that this Court is the proper Court to hear the matters asserted by the Plaintiff.

2. Defendants admit the allegations in paragraph two.

3. Defendants admit that the Plaintiff is a white, female citizen of the United States and a resident of the State of Alabama. Defendants deny all other allegations in paragraph three and demand strict proof thereof.

4 Defendants admit the allegations in paragraph four.

5. Defendants admit the allegations in paragraph five.

6. Defendants deny the allegations in paragraph six and demand strict proof thereof.

7. Defendants deny the allegations in paragraph seven and demand strict proof thereof.

8. Defendants admit the allegations in paragraph eight.

9. Defendants deny the allegations in paragraph nine and demand strict proof

thereof.

10. Defendants admit the allegations in paragraph ten.

11. Defendants deny the allegations in paragraph eleven and demand strict proof thereof.

12. Defendants deny the allegations in paragraph twelve and demand strict proof thereof.

13. Defendants deny the allegations in paragraph thirteen and demand strict proof thereof.

14. Defendants deny the allegations in paragraph fourteen and demand strict proof thereof.

15. Defendants deny the allegations in paragraph fifteen and demand strict proof thereof.

16. Defendants deny the allegations in paragraph sixteen and demand strict proof thereof.

17. Defendants admit the allegations in paragraph seventeen.

18. Defendants deny the allegations in paragraph eighteen and demand strict proof thereof.

19. Defendants reference and incorporate herein their responses to paragraphs 1 through 19 above as if fully setout herein.

20. Defendants deny the allegations in paragraph twenty and demand strict proof thereof.

21. Defendants admit the allegations in paragraph twenty one.

22. Defendants deny the allegations in paragraph twenty two and demand strict proof thereof.

23. Defendants deny the allegations in paragraph twenty three and demand strict proof thereof.

24. Defendants deny the allegations in paragraph twenty four and demand strict proof thereof.

25. Defendants deny the allegations in paragraph twenty five and demand strict proof thereof.

26. Defendants deny the allegations in paragraph twenty six and demand strict proof thereof.

27. Defendants deny the allegations in paragraph twenty seven and demand strict proof thereof.

28. Defendants reference and incorporate herein their responses to paragraphs 1 through 27 above as if fully setout herein.

29. Defendants deny the allegations in paragraph twenty nine and demand strict proof thereof.

30. Defendants deny the allegations in paragraph thirty and demand strict proof thereof.

31. Defendants reference and incorporate herein their responses to paragraphs 1 through 30 above as if fully setout herein.

32. Defendants deny the allegations in paragraph thirty two and demand strict proof thereof.

33. Defendants deny the allegations in paragraph thirty three and demand strict proof thereof.

34. Defendants deny the allegations in paragraph thirty four and demand strict proof thereof.

35. Defendants deny the allegations in paragraph thirty five and demand strict proof thereof.

36. Defendants deny the allegations in paragraph thirty six and demand strict proof thereof.

## AFFIRMATIVE DEFENSES

### FIRST AFFIRMATIVE DEFENSE

1. Defendants generally deny all material allegations of the Amended Complaint and deny that Plaintiff is entitled to any relief.

### SECOND AFFIRMATIVE DEFENSE

2. Defendants plead the general issue and deny any allegations not specifically denied.

### THIRD AFFIRMATIVE DEFNSE

3. Defendants aver that Plaintiff's Complaint and each count and cause thereof

fails to state a cause of action against Defendants upon which relief can be granted.

**FOURTH AFFIRMATIVE DEFENSE**

4. Defendants plead that all of their employment decisions regarding Plaintiff were made for a legitimate, non-discriminatory business reason.

**FIFTH AFFIRMATIVE DEFENSE**

5. Defendant City of Montgomery pleads immunity from any claims of intentional acts. A municipality cannot commit intentional acts or act with malice.

**SIXTH AFFIRMATIVE DEFENSE**

6. Defendant City of Montgomery pleads immunity from punitive damages.

**SEVENTH AFFIRMATIVE DEFENSE**

7. Defendants plead substantive, qualified and/or discretionary function immunity.

**EIGHTH AFFIRMATIVE DEFENSE**

8. Defendants assert that Plaintiff has failed to state any adverse employment action or damages caused by Defendants which violated Plaintiff's constitutional rights or for which any relief can be granted.

**NINTH AFFIRMATIVE DEFENSE**

9. Defendants assert that Plaintiff has failed to state any custom or policy of Defendants which violated Plaintiff's constitutional rights or for which any relief can be granted.

**TENTH AFFIRMATIVE DEFENSE**

10. Defendants plead that Plaintiff is not entitled to any award of damages.

**RESERVATION OF RIGHTS**

Defendants reserve the right to amend these affirmative defenses as discovered and allowed by the Court.

Respectfully submitted this the 7th day of July, 2008.

/s/Michael D. Boyle
MICHAEL D. BOYLE (BOY032)
Staff Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that foregoing has been served upon the following by electronic filing/notification of the United States District Court Middle District of Alabama on this 7th day of July, 2008.

Deborah A. Mattison, Esq. Rachel L. McGinley, Esq. Wiggins, Childs, Quinn & Pantazis, LLC The Kress Building 301 19th Street North
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/s/ Michael D. Boyle
Of Counsel